

BEFORE THE DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for)
Termination of Probation of:)
)
VICTOR R. GUBERSKY, M.D.)
Certificate No. C 26785)
)
Petitioner.)
_____)

OAH No. N 42247

DECISION


The attached Proposed Decision of the Third District and Eighth District Medical Quality Review Committees is hereby adopted by the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on April 21, 1993.

IT IS SO ORDERED April 21, 1993.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA

By:



THERESA L. CLAASSEN
Secretary

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PROPOSED DECISION

This matter was heard on January 21, 1993, at San Francisco, California, by a hearing panel consisting of Third District Medical Quality Review Committee members John Bodle, M.D., Thomas Ledwich, M.D., and Helen Rodde, R.N.; and Eighth District Medical Quality Review Committee members Gail Campbell, Eluid Garcia, M.D., Gerlie Papillion, M.D., and Steven Smith. Mr. Smith chaired the hearing panel, and Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings, presided.

The Attorney General of State of California was represented by David Lew, Deputy Attorney General. The petitioner was present and represented himself.

FINDINGS OF FACT

I

On January 4, 1965, petitioner Victor R. Gubersky, M.D., was issued Physician's and Surgeon's Certificate No. C 26785. The certificate was revoked, effective February 6, 1984, with revocation stayed and probation for ten years. The basis for the disciplinary action was petitioner's January 8, 1982 conviction for violating Title 22, U.C. Code, sections 955c and 846 (conspiracy). The facts and circumstances of the conviction were that, in 1981, petitioner became involved in an unlawful scheme to procure ingredients used to manufacture methamphetamine.

On or about December 4, 1986, petitioner violated a condition of his probation by driving while under the influence of

alcohol. The Division of Medical Quality continued him on probation, but required him to remain in the Diversion Program for the duration of his probation.

II

The petition herein, dated April 1, 1992, is for termination of probation.

III

Petitioner asserts that he was suffering from alcoholism when he engaged in the above misconduct, but has not consumed an alcoholic beverage since his arrest for driving while under the influence on December 4, 1986. He continues to attend Alcoholics Anonymous meetings two to four times a week, and he presented evidence that he has complied with all aspects of his agreement with the Medical Board and successfully completed the Diversion Program.

IV

Petitioner is sufficiently rehabilitated that it would not be against the public interest to terminate his probation at this time.

DETERMINATION OF ISSUES

By reason of Finding IV, cause exists to terminate petitioner's probation.

ORDER

The petition to terminate the probation of Victor R. Gubersky, M.D., is granted, and physician and surgeon certificate C 26785 is fully restored.

DATED: FEB. 6, 1993


STEVEN SMITH
Panel Chairperson